

40.50. LOADING DETERMINATION

40.50.05. Purpose.

The purpose of a Loading Determination is to establish mechanism to determine or modify the required number of off street loading spaces, or modify the off-street loading space dimensions in advance of, or concurrent with, applying for approval of an application, development, permit, or other action. This Section is carried out by the approval criteria listed herein.

40.50.10. Applicability.

A Loading Determination may be requested in writing to establish an off street loading space total for any use not specifically listed in Section 60.25 (Off Street Loading), establish an off street loading space total that differs from the listed requirement in Section 60.25, and modify the off street loading space dimensions listed in Section 60.25 of this Code.

40.50.15. Application.

There is a single Loading Determination application which is subject to the following requirements.

1. Loading Determination.

- A. Threshold. An application for Loading Determination shall be required when one or more of the following thresholds apply:
 - 1. A request that the Director establish, in writing, an off street loading space total or requirement for any use not listed or substantially similar to a use listed in Section 60.25 (Off Street Loading) of this Code.
 - 2. A request to modify the total number of off street loading spaces from the required number listed in Section 60.25 (Off Street Loading) of this Code.
 - 3. A request to modify the dimensions of a required off street loading space listed in Section 60.25 (Off Street Loading) of this Code.
- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Loading Determination. The decision making authority is the Director.

40.50.15.1.

- C. Approval Criteria. In order to approve a Loading Determination application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Loading Determination application.
 2. All City application fees related to the application under consideration by the decision making authority have been submitted.
 3. The determination will not create adverse impacts, taking into account the total gross floor area and the hours of operation of the use.
 4. The proposal will not interfere with pedestrian or vehicular traffic on a street.
 5. The proposal will be able to reasonably accommodate the off street loading needs of the structure.
 6. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.
- D. Submission Requirements. An application for a Loading Determination shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Loading Determination application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Loading Determination application to ensure compliance with the approval criteria.
- F. Appeal of Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Loading Determination application shall not be extended.

